



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William E. KLUNK, Chester A. MATHIS, *et al.*
Title: ***BENZOTHIAZOLE DERIVATIVE COMPOUNDS,
COMPOSITIONS AND USES***
Appl. No.: 10/645,847
Filing Date: 8/22/2003
Examiner: Dameron Levest Jones
Art Unit: 1618

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, William E. Klunk, and I, Chester A. Mathis, being duly warned, hereby declare that:

1. We are co-inventors of the invention disclosed and claimed in the captioned application.
2. The subject matter disclosed and claimed in the captioned application was invented by ourselves and Yanming Wang (who is no longer employed by the University of Pittsburgh).
3. We are co-authors of an academic publication by Mathis *et al.*, 46 *J. Med. Chem.* (2003) 2740-54 ("the Mathis publication"), which, we understand, the examiner of the captioned application has cited in an Office Action mailed January 26, 2006.
4. We also understand that the Mathis publication forms the basis of the examiner's rejecting claims 1-3 and 14 of the captioned application.
5. The co-authors of the Mathis publication who are other than the present inventors, namely, Daniel P. Holt, Guo-Feng Huang, and Manik L. Debnath, did not make contributions to subject matter claimed in the captioned application. Co-authors Holt, Huang, and Debnath

were assistants who carried out experiments under our direction in our capacity as the research principals for the publication.

6. Co-authorship was appropriate academic recognition of the contributions of Holt, Huang, and Debnath to the research reported in the Mathis publication. Nevertheless, the disclosures of the Mathis publication that, we understand, the examiner has invoked in rejecting the aforementioned claims, particularly in relation to "compound 19" of the Mathis publication, represent the work of the co-inventors alone.

7. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the captioned application or any patent resulting from that application.

5-2-06

Date



William E. Klunk

5-2-06

Date



Chester A. Mathis